

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

ROCKY LYNN FARRIS,)
Petitioner,)
vs.) No. CIV-09-592-C
OKLAHOMA DEPARTMENT OF)
CORRECTIONS, et al.,)
Respondents.)

ORDER

This action for habeas corpus relief brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Robert E. Bacharach, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Bacharach entered a Report and Recommendation on August 28, 2009, to which Petitioner has timely objected. The Court therefore considers the matter *de novo*.

Petitioner's only objection to the Report and Recommendation of Judge Bacharach is that he should be entitled to equitable tolling because the prisons in which he has been housed have made it difficult, if not impossible, for meaningful use of the law library or access to other legal assistance. What Petitioner fails to explain, however, is the five and one-half year gap between the expiration of the AEDPA's statutory time limitation and the actual filing of his habeas corpus petition. Even accepting all facts set out in his objection as true, there is simply no justification for equitable tolling of the entire period.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge, and for the reasons announced therein, dismissed, as untimely. As no amendment can cure the defect, this dismissal acts as an adjudication on the merits, and a judgment will enter.

IT IS SO ORDERED this 20th day of October, 2009.



ROBIN J. CAUTHRON
United States District Judge